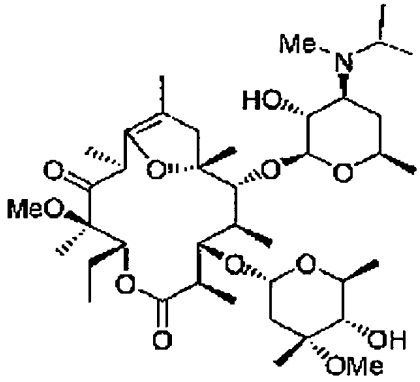
10/501215
DT04 Rec'd PCT/PTO 12 JUL 2004

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

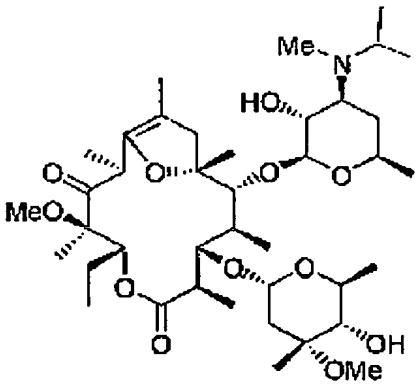
1. (Original) A hemifumarate crystal of a compound of formula (I):



(I)

characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 6.6° and 8.5°.

2. (Original) A hemifumarate anhydrate of a compound of formula (I):

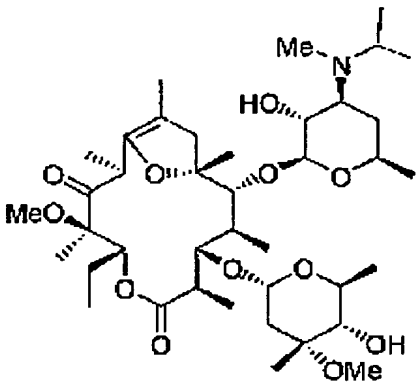


(I)

characterized by 2-theta angle positions in the powder X-ray

diffraction pattern of 7.1°, 13.5° and 14.2°.

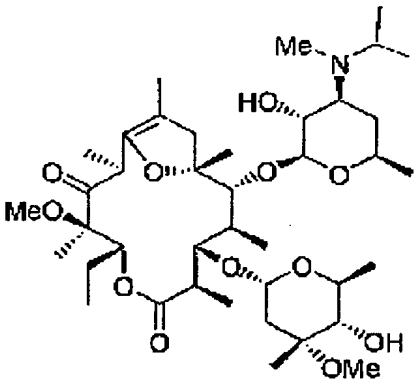
3. (Original) A hemifumarate X-hydrate of a compound of formula (I):



(I)

characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 7.1° and 14.2°.

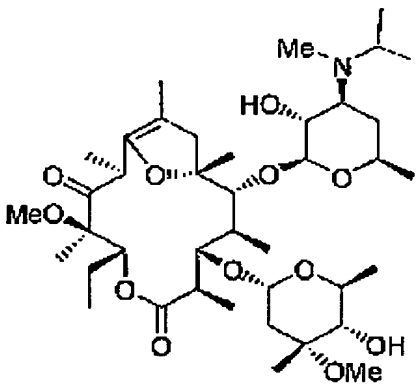
4. (Original) A process for preparing a hemifumarate X-hydrate of a compound of formula (I):



(I)

characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 7.1°, said process comprising the step of treating a hemifumarate anhydrate of the compound of formula (I) characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 7.1°, 13.5° and 14.2°, to obtain said hemifumarate X-hydrate.

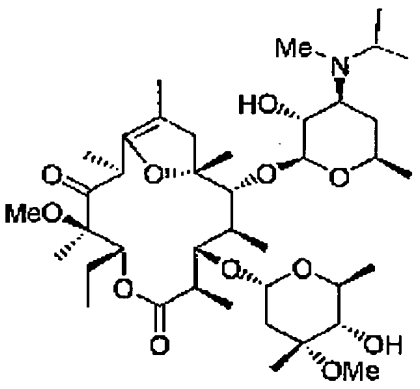
5. (Original) A process for preparing a hemifumarate anhydrate of a compound of formula (I):



(I)

characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 7.1°, 13.5° and 14.2°, said process comprising the step of treating a hemifumarate crystal form of the compound of formula (I) characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 6.6° and 8.5°, to obtain said hydrate.

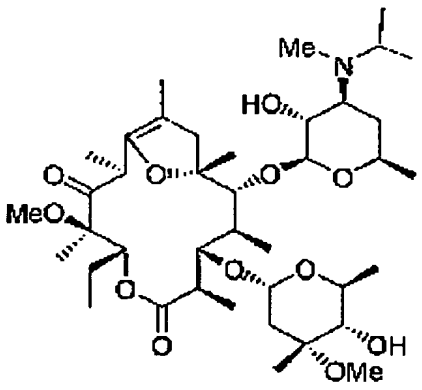
6. (Original) A process for preparing a hemifumarate X-hydrate of a compound of formula (I):



(I)

characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 7.1° and 14.2°, said process comprising the step of treating a hemifumarate crystal of the compound of formula (I) 6.6° and 8.5°, to obtain said hydrate.

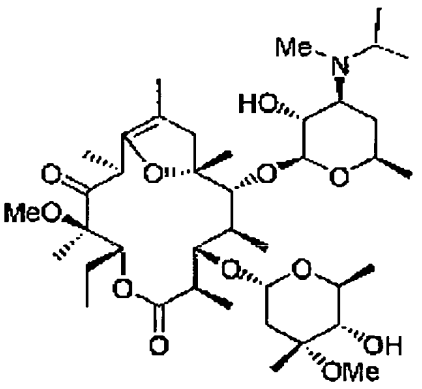
7. (Original) A process for preparing a hemifumarate X-hydrate of a compound of formula (I):



(I)

characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 7.1° and 14.2°, said process comprising the step of treating a hemifumarate anhydrate of the compound of formula (I) characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 7.1°, 13.5° and 14.2°, wherein said hemifumarate anhydrate is obtained by treating a hemifumarate crystal of the compound of formula (I) characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 6.6° and 8.5°.

8. (Original) A hemifumarate crystal of a compound of formula (I):

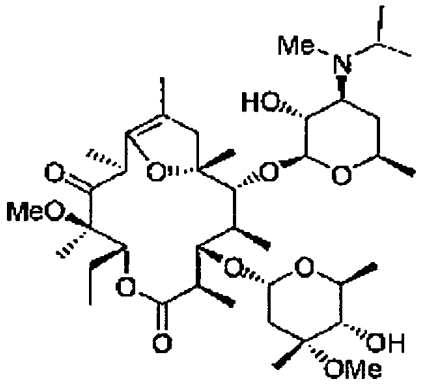


(I)

characterized by 2-theta angle positions in the powder X-ray

diffraction pattern of 5.4°, 10.4°, 10.7° and 12.1°.

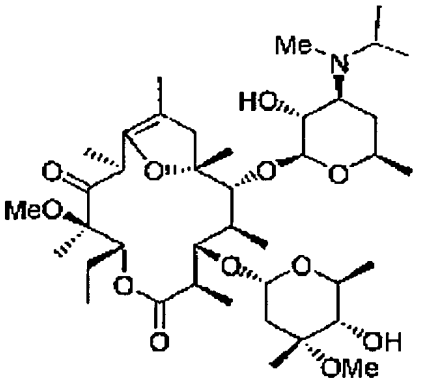
9. (Original) A hemifumarate crystal of a compound of formula (I):



(I)

containing acetone and showing strong X-ray diffraction peaks at diffraction angles 2 theta = 5.4°, 10.4°, 10.7° and 12.1° measured by X-ray diffractometry using Cu-Kα radiation.

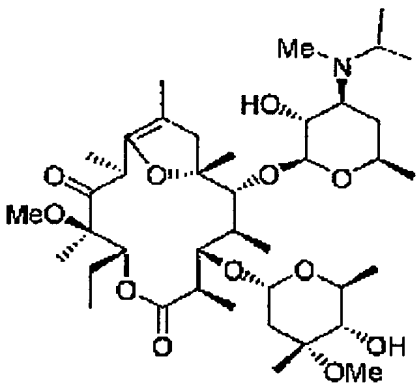
10. (Original) A hemifumarate crystal of a compound of formula (I):



(I)

containing methylethylketone and showing strong X-ray diffraction peaks at diffraction angles 2 theta = 5.4°, 10.4°, 10.7° and 12.1° measured by X-ray diffractometry using Cu-Kα radiation

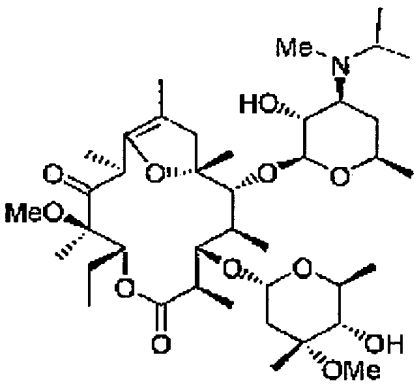
11. (Original) A hemifumarate crystal of a compound of formula (I):



(I)

containing tetrahydrofuran and showing strong X-ray diffraction peaks at diffraction angles 2 theta = 5.4°, 10.4°, 10.7° and 12.1° measured by X-ray diffractometry using Cu-Kα radiation.

12. (Previously Presented) A process for preparing a hemifumarate X-hydrate of a compound of formula (I):

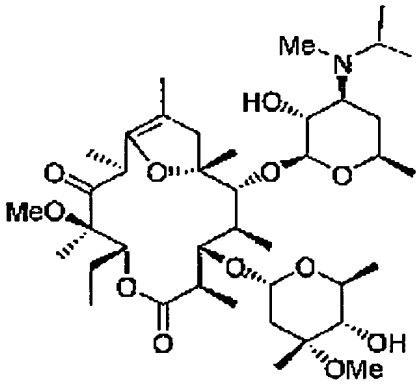


(I)

showing strong X-ray diffraction peaks at diffraction angles 2 theta = 5.4°, 10.4°, 10.7° and 12.1° measured by X-ray diffractometry using Cu-Kα radiation, said process comprising the step of treating a hemifumarate crystal of the compound of formula (I) characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 5.4°, 10.4°, 10.7° and

12.1°, to obtain said hydrate.

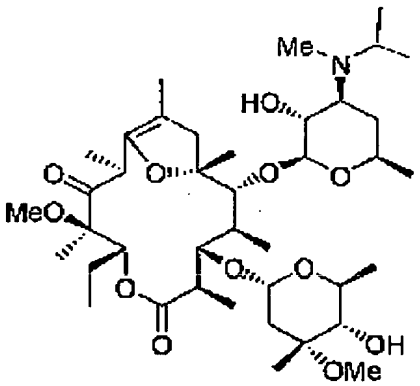
13. (Previously Presented) A process for preparing a hemifumarate X-hydrate of a compound of formula (I):



(I)

containing acetone and showing strong X-ray diffraction peaks at diffraction angles 2 theta = 5.4°, 10.4°, 10.7° and 12.1° measured by X-ray diffractometry using Cu-Kα radiation, said process comprising the step of treating a hemifumarate crystal of the compound of formula (I) characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 5.4°, 10.4°, 10.7° and 12.1°, to obtain said hydrate.

14. (Original) A process for preparing a hemifumarate X-hydrate of a compound of formula (I):

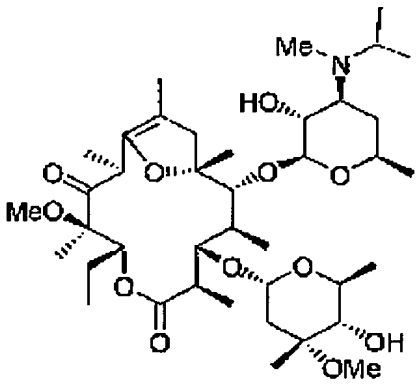


(I)

containing methylethylketone and showing strong X-ray diffraction peaks at diffraction angles 2 theta = 5.4°, 10.4°,

10.7° and 12.1° measured by X-ray diffractometry using Cu-Kα radiation, said process comprising the step of treating a hemifumarate crystal of the compound of formula (I) characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 5.4°, 10.4°, 10.7° and 12.1°, to obtain said hydrate.

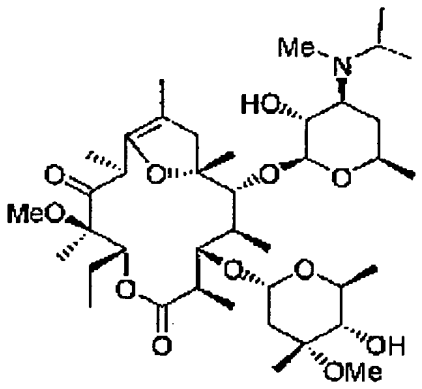
15. (Original) A process for preparing a hemifumarate X-hydrate of a compound of formula (I):



(I)

containing tetrahydrofuran and showing strong X-ray diffraction peaks at diffraction angles 2 theta = 5.4°, 10.4°, 10.7° and 12.1° measured by X-ray diffractometry using Cu-Kα radiation, said process comprising the step of treating a hemifumarate crystal of the compound of formula (I) characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 5.4°, 10.4°, 10.7° and 12.1°, to obtain said hydrate.

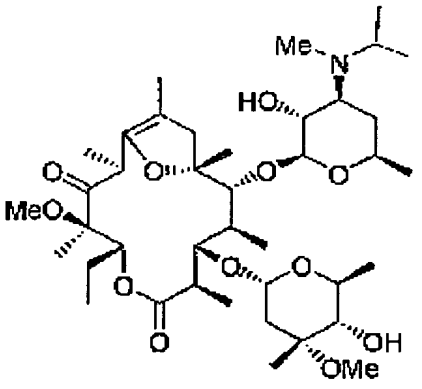
16. (Original) A process for preparing a hemifumarate anhydrate of a compound of formula (I):



(I)

characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 7.1°, 13.5° and 14.2°, said process comprising the step of obtaining said anhydrate by treating a hemifumarate crystal of Claim 8, 9, 10 or 11.

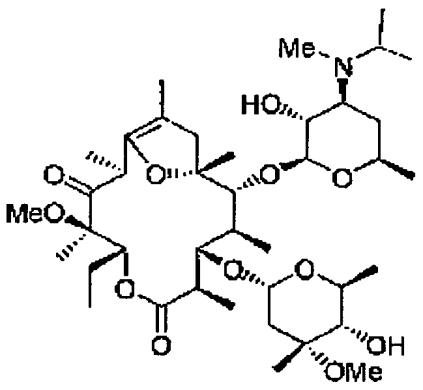
17. (Original) A process for preparing a hemifumarate X-hydrate of a compound of formula (I):



(I)

characterized by 2-theta angle positions in the powder X-ray diffraction pattern of showing strong X-ray diffraction peaks at diffraction angles 2θ = 7.1° and 14.2°, said process comprising the step of obtaining said hydrate by treating a hemifumarate crystal of Claim 8, 9, 10 or 11.

18. (Original) A process for preparing a hemifumarate X-hydrate of a compound of formula (I):



(I)

characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 7.1° and 14.2°, said process comprising the step of treating a hemifumarate anhydrate of the compound of formula (I) characterized by 2-theta angle positions in the powder X-ray diffraction pattern of 7.1°, 13.5° and 14.2°, wherein said anhydrate is obtained by treating a hemifumarate crystal of Claim 8, 9, 10 or 11.